

In addition to this, a second mortgagee should register his mortgage at H.M. Land Registry (Land Charges Dept.), Lincoln's Inn, W.C., under the Land Charges Act, 1925. The method of registration and the effect of it are dealt with in a separate chapter.

In addition to a formal or legal mortgage, there is also what is known as an "equitable mortgage." This is a mortgage not usually under seal and in somewhat looser terms than a legal mortgage. It is very often a more or less informal memorandum signed by the borrower, stating that a certain sum or sums of money have been advanced on certain specified property, the deeds of which have been deposited by the borrower with the lender as security. The great disadvantage of equitable charges is that the lender's remedy in case of default is very limited. If the lender's solicitor prepares the equitable charge he can overcome part of the difficulty by seeing that it contains an undertaking by the borrower to execute a legal mortgage when called upon to do so. Even this, however, is not free from subsequent difficulty should the mortgagee desire to enforce his security—as it will be necessary to institute proceedings to compel an unwilling mortgagor to

execute a legal mortgage.

It is, therefore, advisable (but unusual) to have an equitable mortgage under seal (which will give the mortgagee power to sell the property in default of payment off—a power implied by statute) and also to insert in the document an "attornment clause" enabling the mortgagee to act as the attorney of the mortgagor to pass the legal estate in the property to a purchaser. This will enable